

118TH CONGRESS
1ST SESSION

H. R. 4990

To require the Secretary of Energy to carry out a program to provide grants and loans to support and expand the domestic solar component manufacturing supply chain, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JULY 27, 2023

Mrs. DINGELL (for herself and Ms. CASTOR of Florida) introduced the following bill; which was referred to the Committee on Energy and Commerce

A BILL

To require the Secretary of Energy to carry out a program to provide grants and loans to support and expand the domestic solar component manufacturing supply chain, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Reclaiming the Solar
5 Supply Chain Act of 2023”.

6 **SEC. 2. SOLAR COMPONENT MANUFACTURING SUPPLY**
7 **CHAIN ASSISTANCE.**

8 (a) **DEFINITIONS.**—In this section:

1 (1) ADVANCED SOLAR TECHNOLOGY.—The
2 term “advanced solar technology” means any new or
3 emerging technology, system, or mechanism, or com-
4 ponent thereof, that uses solar radiation to generate
5 electrical energy.

6 (2) DIRECT CURRENT OPTIMIZER.—The term
7 “direct current optimizer” means a product that
8 converts direct current electricity from 1 or more
9 solar modules or advanced solar technologies to a
10 different direct current voltage that is matched to
11 the input requirements of an inverter.

12 (3) DIRECT LOAN.—The term “direct loan” has
13 the meaning given the term in section 502 of the
14 Federal Credit Reform Act of 1990 (2 U.S.C. 661a).

15 (4) ELIGIBLE ENTITY.—The term “eligible enti-
16 ty” means a private entity, including a manufac-
17 turer, or a partnership of private entities.

18 (5) EMPLOYEE; EMPLOYER.—The terms “em-
19 ployee” and “employer” have the meanings given
20 such terms in section 2 of the National Labor Rela-
21 tions Act (29 U.S.C. 152).

22 (6) FORCED LABOR.—The term “forced labor”
23 has the meaning given the term in section 307 of the
24 Tariff Act of 1930 (19 U.S.C. 1307).

1 (7) INTEGRATED MODULE.—The term “inte-
2 grated module” means a solar module produced by
3 a single manufacturer through the conversion of a
4 photovoltaic wafer or other semiconductor material
5 into an end product that—

6 (A) is suitable to generate electricity when
7 exposed to sunlight; and

8 (B) is ready for installation without addi-
9 tional manufacturing processes.

10 (8) INVERTER.—The term “inverter” means a
11 product that converts direct current electricity from
12 1 or more solar modules or advanced solar tech-
13 nologies into alternating current electricity.

14 (9) LABOR ORGANIZATION.—The term “labor
15 organization” has the meaning given the term in
16 section 2 of the National Labor Relations Act (29
17 U.S.C. 152).

18 (10) LOAN GUARANTEE.—The term “loan guar-
19 antee” has the meaning given the term in section
20 502 of the Federal Credit Reform Act of 1990 (2
21 U.S.C. 661a).

22 (11) NON-ALLIED FOREIGN NATION.—The term
23 “non-allied foreign nation” has the meaning given
24 the term “covered nation” in section 4872(d)(2) of
25 title 10, United States Code.

1 (12) PHOTOVOLTAIC CELL.—The term “photo-
2 voltaic cell” means the smallest semiconductor ele-
3 ment of a solar module that performs the immediate
4 conversion of light into electricity.

5 (13) PHOTOVOLTAIC WAFER.—The term “pho-
6 tovoltaic wafer” means a thin slice, sheet, or layer
7 of semiconductor material of at least 240 square
8 centimeters produced by a single manufacturer—

9 (A)(i) directly from molten solar grade
10 polysilicon or deposition of solar grade thin film
11 semiconductor photon absorber layer; or

12 (ii) through formation of an ingot from
13 molten polysilicon and subsequent slicing; and

14 (B) that comprises the substrate or ab-
15 sorber layer of 1 or more photovoltaic cells.

16 (14) PROGRAM.—The term “program” means
17 the program established under subsection (c).

18 (15) RACKING.—The term “racking” means a
19 structural steel or aluminum support element, of any
20 cross-section shape and that may be assembled from
21 individually manufactured segments, spanning longi-
22 tudinally, on which solar modules are supported.

23 (16) SECRETARY.—The term “Secretary”
24 means the Secretary of Energy.

1 (17) SOLAR COMPONENT.—The term “solar
2 component” means—

3 (A) an integrated module;

4 (B) a photovoltaic cell;

5 (C) a photovoltaic wafer;

6 (D) solar grade polysilicon;

7 (E) a solar module;

8 (F) an inverter;

9 (G) racking;

10 (H) a tracker;

11 (I) a direct current optimizer; and

12 (J) any advanced solar technology for
13 which the Secretary has issued a written find-
14 ing under subsection (g).

15 (18) SOLAR GRADE POLYSILICON.—The term
16 “solar grade polysilicon” means silicon that—

17 (A) is suitable for use in photovoltaic man-
18 ufacturing; and

19 (B) is purified to a minimum purity of
20 99.999999 percent silicon by mass.

21 (19) SOLAR MODULE.—The term “solar mod-
22 ule” means the connection and lamination of photo-
23 voltaic cells into an environmentally protected final
24 assembly that—

1 (A) is suitable to generate electricity when
2 exposed to sunlight; and

3 (B) is ready for installation without an ad-
4 ditional manufacturing process.

5 (20) TRACKER.—The term “tracker” means—

6 (A) a structural steel support on which
7 solar modules are supported; and

8 (B) the mechanism by which that support
9 is oriented to varying angles with respect to the
10 position of the sun.

11 (21) TRADITIONAL SOLAR COMPONENT.—The
12 term “traditional solar component” means—

13 (A) an integrated module;

14 (B) a photovoltaic cell;

15 (C) a photovoltaic wafer;

16 (D) solar grade polysilicon; and

17 (E) a solar module.

18 (b) FINDINGS.—Congress finds that it is in the inter-
19 est of the United States—

20 (1) to have a viable solar component manufac-
21 turing supply chain; and

22 (2) to reduce the reliance of United States
23 manufacturers on solar components made in the
24 People’s Republic of China.

1 (c) ESTABLISHMENT.—Not later than 180 days after
2 the date of enactment of this Act, the Secretary shall es-
3 tablish a program to award grants, loan guarantees, and
4 direct loans to eligible entities to carry out projects in the
5 United States for—

6 (1) the construction of new facilities that manu-
7 facture solar components; and

8 (2) retooling, retrofitting, or expanding existing
9 facilities that manufacture, or have the ability to
10 manufacture, solar components.

11 (d) APPLICATION.—To be eligible to receive a grant,
12 loan guarantees, or direct loan under the program, an eli-
13 gible entity shall submit to the Secretary an application
14 at such time, in such manner, and containing such infor-
15 mation as the Secretary may require.

16 (e) SELECTION.—In awarding grants, loan guaran-
17 tees, and direct loans under the program, the Secretary
18 shall take into consideration whether a project proposed
19 by an eligible entity—

20 (1) is strategically located near manufacturers
21 in the solar component manufacturing supply chain
22 to create a geographic concentration of manufactur-
23 ers in the solar component manufacturing supply
24 chain;

1 (2) has potential to materially reduce the reli-
2 ance of United States manufacturers on solar com-
3 ponents, including solar grade polysilicon and photo-
4 voltaic wafers, made in a non-allied foreign nation;

5 (3) has potential for direct and indirect domes-
6 tic job creation, including jobs for low-income com-
7 munities, dislocated workers, and workers from
8 groups that are underrepresented in the manufac-
9 turing industry; and

10 (4) will result in economic development or eco-
11 nomic diversification in economically distressed re-
12 gions or localities.

13 (f) DIRECT LOAN CONDITIONS.—A direct loan made
14 under the program shall—

15 (1) bear interest at a rate that does not exceed
16 a level that the Secretary determines appropriate;
17 and

18 (2) be subject to such other terms and condi-
19 tions as the Secretary determines appropriate.

20 (g) ADVANCED SOLAR TECHNOLOGY FINDING.—The
21 Secretary may issue a written finding that an advanced
22 solar technology has significant potential to reduce the re-
23 liance of United States manufacturers on traditional solar
24 components made in a non-allied foreign nation.

1 (h) PROHIBITION.—In carrying out the program, the
2 Secretary may not award a grant, loan guarantees, or di-
3 rect loan for a project that will source solar components
4 from, or supply solar components to, facilities that use
5 forced labor or are owned and operated by a non-allied
6 foreign nation.

7 (i) COST SHARING FOR GRANTS.—Section 988(c) of
8 the Energy Policy Act of 2005 (42 U.S.C. 16352(c)) shall
9 apply to a grant made under the program.

10 (j) PREVAILING WAGES.—

11 (1) IN GENERAL.—Any laborer or mechanic em-
12 ployed by any contractor or subcontractor in the
13 performance of work funded directly, or assisted in
14 whole or in part, by the Federal Government pursu-
15 ant to this section shall be paid wages at rates not
16 less than those prevailing on work of a similar char-
17 acter in the locality, as determined by the Secretary
18 of Labor, in accordance with subchapter IV of chap-
19 ter 31 of part A of subtitle II of title 40, United
20 States Code (commonly referred to as the “Davis-
21 Bacon Act”).

22 (2) AUTHORITY.—With respect to the labor
23 standards specified in paragraph (1), the Secretary
24 of Labor shall have the authority and functions set
25 forth in Reorganization Plan Numbered 14 of 1950

1 (5 U.S.C. App.) and section 3145 of title 40, United
2 States Code.

3 (k) LABOR-MANAGEMENT COOPERATION.—

4 (1) IN GENERAL.—Notwithstanding any con-
5 trary provision of law, including the National Labor
6 Relations Act (29 U.S.C. 151 et seq.), this sub-
7 section shall apply with respect to any funding re-
8 cipient under this section who is an employer and
9 any labor organization who represents, or seeks to
10 represent, employees of such a funding recipient.

11 (2) LABOR PEACE.—Any employer receiving
12 funds under this section shall recognize for purposes
13 of collective bargaining a labor organization that
14 demonstrates that a majority of the employees in a
15 unit appropriate for such purposes who perform or
16 will perform work funded by this section have signed
17 valid authorizations designating the labor organiza-
18 tion as their bargaining representative and that no
19 other individual or labor organization is currently
20 certified or recognized as the exclusive representative
21 of any of the employees in the unit who perform or
22 will perform such work pursuant to the National
23 Labor Relations Act (29 U.S.C. 151 et seq.). Upon
24 such showing of majority status, the employer shall

1 notify the labor organization and the National Labor
2 Relations Board that the employer—

3 (A) has determined that the labor organi-
4 zation represents a majority of the employees in
5 such unit who perform or will perform such
6 work; and

7 (B) is recognizing the labor organization
8 as the exclusive representative of the employees
9 in such unit who perform or will perform such
10 work for the purposes of collective bargaining
11 pursuant to section 9 of the National Labor Re-
12 lations Act (29 U.S.C. 159).

13 (3) CERTIFICATION.—If a dispute over majority
14 status or the appropriateness of the unit described
15 in paragraph (2) arises between the employer and
16 the labor organization, either party may request that
17 the National Labor Relations Board investigate and
18 resolve the dispute. If the Board finds that a major-
19 ity of the employees in a unit appropriate for pur-
20 poses of collective bargaining who perform or will
21 perform work funded under this section has signed
22 valid authorizations designating the labor organiza-
23 tion as their bargaining representative and that no
24 other individual or labor organization is currently
25 certified or recognized as the exclusive representative

1 of any of the employees in the unit who perform or
2 will perform such work pursuant to the National
3 Labor Relations Act, the Board shall not direct an
4 election but shall certify the labor organization as
5 the representative described in section 9(a) of the
6 National Labor Relations Act (29 U.S.C. 159(a))
7 with respect to such employees.

8 (4) COMMENCEMENT OF COLLECTIVE BAR-
9 GAINING.—Not later than 10 days after an employer
10 receiving funding under this section receives a writ-
11 ten request for collective bargaining from a recog-
12 nized or certified labor organization representing
13 employees who perform or will perform work funded
14 under this section, or within such period as the par-
15 ties agree upon, the labor organization and employer
16 shall meet and commence to bargain collectively and
17 shall make every reasonable effort to conclude and
18 sign a collective bargaining agreement.

19 (5) MEDIATION.—If the parties have failed to
20 reach an agreement before the date that is 90 days
21 after the date on which bargaining is commenced
22 under paragraph (4), or any later date agreed upon
23 by both parties, either party may notify the Federal
24 Mediation and Conciliation Service of the existence
25 of a dispute and request mediation. Upon receiving

1 such a request, the Director of the Federal Medi-
2 ation and Conciliation Service shall promptly com-
3 municate with the parties and use best efforts, by
4 mediation and conciliation, to bring them to agree-
5 ment.

6 (6) ARBITRATION.—

7 (A) IN GENERAL.—If the Federal Medi-
8 ation and Conciliation Service is not able to
9 bring the parties to agreement by mediation or
10 conciliation before the date that is 30 days after
11 the date on which a request for mediation is
12 made under paragraph (5), or any later date
13 agreed upon by both parties, the Service shall
14 refer the dispute to a tripartite arbitration
15 panel established in accordance with such regu-
16 lations as may be prescribed by the Service.

17 (B) MEMBERS.—A tripartite arbitration
18 panel established under this paragraph with re-
19 spect to a dispute shall be composed of 1 mem-
20 ber selected by the labor organization, 1 mem-
21 ber selected by the employer, and 1 neutral
22 member mutually agreed to by the parties. The
23 labor organization and employer shall each se-
24 lect the members of the tripartite arbitration
25 panel within 14 days of the Service's referral.

1 Any member not so selected by such date shall
2 be selected by the Service.

3 (C) DISPUTE SETTLEMENT.—A majority
4 of a tripartite arbitration panel established
5 under this paragraph with respect to a dispute
6 shall render a decision settling the dispute as
7 soon as practicable, and (absent extraordinary
8 circumstances or by agreement or permission of
9 the parties) not later than 120 days after the
10 establishment of such panel. Such a decision
11 shall be binding upon the parties for a period
12 of 2 years, unless amended during such period
13 by written consent of the parties. Such decision
14 shall be based on—

15 (i) the employer's financial status and
16 prospects;

17 (ii) the size and type of the employer's
18 operations and business;

19 (iii) the employees' cost of living;

20 (iv) the employees' ability to sustain
21 themselves, their families, and their de-
22 pendents on the wages and benefits they
23 earn from the employer; and

1 (v) the wages and benefits that other
2 employers in the same business provide
3 their employees.

4 (7) SUBCONTRACTORS.—Any employer receiv-
5 ing funds under this section shall require any sub-
6 contractor whose employees perform, or will per-
7 form, work funded under this section to comply with
8 the requirements set forth in this subsection.

9 (1) FUNDS.—

10 (1) AUTHORIZATION OF APPROPRIATIONS.—
11 There is authorized to be appropriated to the Sec-
12 retary to carry out this section \$1,900,000,000 for
13 each of fiscal years 2024 through 2028.

14 (2) COSTS OF LOAN GUARANTEES AND DIRECT
15 LOANS.—The Secretary may use any amounts made
16 available under paragraph (1) to pay the costs of
17 providing loan guarantees and direct loans under the
18 program.

19 (3) SET ASIDE.—Not less than \$20,000,000 of
20 the amount made available to carry out this section
21 each fiscal year under paragraph (1) shall be used
22 to award grants, loan guarantees, or direct loans
23 under the program to eligible entities that are small

1 businesses located in economically disadvantaged
2 communities.

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